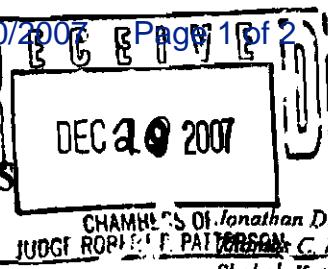


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December 20, 2007

By Fax Only 212-805-7917

United States District Court  
 Southern District of New York  
 United States Courthouse  
 500 Pearl Street, Room 24A  
 New York, NY 10007

Attn: Chambers of  
 Robert P. Patterson, United States District Judge

Re:     Bolsch v. MW Mechanical, Inc.  
 Our File No.: YRV L 06328  
 Civil No.: 07 CIV 7680 (RPP)

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 12/20/07

Honorable Judge Robert P. Patterson:

Please accept this letter as a request for an amendment to the Scheduling Order of November 27th from the Initial Case Management Conference due to the following inadvertent clerical error regarding permission to commence Third Party Action.

When Counsel appeared before Your Honor on November 21<sup>st</sup>, as defense counsel for MW Mechanical Inc., I specifically requested permission to commence a Third Party action by December 31<sup>st</sup> and this permission was granted from the bench and my notes so reflect.

Upon receiving a copy of the Scheduling Order due to apparent inadvertent clerical error the permission to commence a Third Party action under "Amended Pleadings" was left blank so that the Clerk of the Court would not accept the Third Party pleadings for filing.

Please accept this letter as a request to include permission for MW Mechanical to commence a third party action on or before January 15th, 2008. I have conferred with Plaintiff's counsel who consents to this application by letter.

Thank you for your attention to this matter.

*Application granted  
 So ordered  
 Robert P. Patterson  
 USDC  
 12/20/07*

Respectfully submitted,



Gary P. Asher, Esq.  
(GPA 1188)

GPA/ag

Cc: Attorney Michael J. Asta by Fax and Regular Mail

SO ORDERED: PERMISSION FOR DEFENDANT M.W. MECHANICAL TO COMMENCE  
A THIRD PARTY ACTION BY JANUARY 15<sup>TH</sup>, 2008 IS HEREBY GRANTED

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Robert P. Patterson, USDC Judge